

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO 3:22-cr-00274
	)	
Plaintiff,	)	JUDGE JAMES R. KNEPP II
	)	
v.	)	
	)	<u>NOTICE OF INTENT TO INTRODUCE</u>
	)	<u>EXPERT TESTIMONY</u>
	)	
AMANDA HOVANEC,	)	<u>FORENSIC EXAMINER DR. CYNTHIA</u>
ANTHONY THEODOROU,	)	<u>L. MORRIS-KUKOSKI</u>
	)	
Defendants.	)	

Now comes the United States of America, by and through its attorneys, Michelle M. Baeppler and Alissa M. Sterling, and pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure and submit that the United States intends to use the expert testimony of Forensic Examiner (Chemistry/Toxicology) of Dr. Cynthia L. Morris-Kukoski at trial. Dr. Morris-Kukoski's opinions and qualifications regarding forensic chemistry and toxicology analysis are contained in FBI Laboratory Report 2022-01114-1 dated May 24, 2022, previously provided to the defense in discovery.

**Complete Statement of Opinions**

Specifically, Dr. Morris-Kukoski will opine that, after analyzing Item 1, a liquid blood sample from decedent T.H., submitted by the Lucas County Coroner's Office, on or about May 12, 2022, for the presence of etorphine and other opioids, etorphine was qualitatively identified in decedent's femoral blood. She will also testify that upon testing for 47 other opioids, it was determined that no other opioids were present in Item 1. Further, Dr. Morris-

Kukoski will testify that this testing was done using a currently approved toxicology procedure (TOX203). The blood sample was analyzed both with and without enzymatic hydrolysis.

Dr. Morris-Kukoski will also testify regarding obtaining a vial of etorphine from the Drug Enforcement Administration (DEA), for which they determined the concentration and identity. The DEA obtained the etorphine vial via the Toledo Zoo, for the purpose of enabling her to determine whether etorphine was present in Item 1. She will also explain and describe in detail the scientific steps and methods used to ascertain whether etorphine was present in Item 1. These methods include, amongst others, calculating the exact mass of etorphine, determining a minimum threshold for detection of etorphine on testing instruments, and running positive and negative controls with Item 1.

Finally, Dr. Morris-Kukoski will explain the chemical properties of etorphine, its DEA schedule, its popular use, and its potency when compared to other drugs, such as morphine.

**Basis and Reasons for those Opinions**

In coming to these conclusions, Dr. Morris-Kukoski utilized an alkaline drug screen using solid phase extraction followed by liquid chromatography tandem mass spectrometry. The blood sample was analyzed both with and without enzymatic hydrolysis to identify free and total etorphine.

Further, Dr. Morris-Kukoski's opinions are based on the application of scientifically accepted techniques resulting in information and data contained in her 1A case file materials which were provided in discovery and are hereby incorporated as reference, as well as her training, education, knowledge, experience, and expertise as a Chemist/Forensic Examiner. Dr. Morris-Kukoski's expert opinions, and the basis for those opinions, are guided by the applicable FBI Standard Operating Procedures and applicable Quality Assurance

Manual, both of which have been provided in discovery. Dr. Morris-Kukoski may also rely on peer-reviewed literature to provide context to the results.

Finally, the documents referenced herein are not an exhaustive or complete recitation of testimony that Dr. Morris-Kukoski may offer. In addition, she may offer opinions in response to questions posed during trial.

### **Qualifications**

Dr. Morris-Kukoski is a Chemist-Forensic Examiner for the Federal Bureau of Investigation Laboratory in Quantico, Virginia. She has been with the Chemistry Unit since May 2004. She holds a bachelor's degree in pharmacy and a doctor of pharmacy. She has received additional training as described in the attached Curriculum Vitae.

Dr. Morris-Kukoski has authored several publications in the last 10 years. These include the following:

Gorman S, Morris-Kukoski CL (ABAT editors) Rx Prep 2017 Toxicology & Antidotes Chapter

Gorman S, Morris-Kukoski CL (ABAT editors) Rx Prep 2016 Toxicology & Antidotes Chapter

Gorman S, Morris-Kukoski CL (ABAT editors) Rx Prep 2015 Toxicology & Antidotes Chapter

Morris-Kukoski CL, Montgomery MA, Hammer RL: Analysis of Extensively Washed Hair from Cocaine Users and Drug Chemists to Establish New Reporting Criteria. JAT 2014; 38(9): 628 – 636

Morris-Kukoski CL, Montgomery MA, Hammer RL: Utility of a Cocaine Extended Wash Kinetics Calculation on Extensively Washed Drug Chemists' Hair" at SOFT Annual Meeting Oct 22-24, 2014 Grand Rapids MI, Abstract #S42

Morris-Kukoski CL, Montgomery MA, Hammer RL: "The Major Significance of Minor Cocaine Metabolites (ArylHydroxycocaine) in Cocaine Users' Hair at SOFT Annual Meeting Oct 22-24, 2014 Grand Rapids MI, Abstract #S43

A copy of Dr. Morris-Kukoski's Curriculum Vitae is attached as Exhibit 1.

The following is a list of trials and depositions in which Dr. Morris-Kukoski has testified in the last four years:

*State of Maryland v. Donald Mitchell Jr.*  
Hagerstown, MD 2022  
Subject Matter: Drug Facilitated Crimes

*US v. Michael Pepe*  
Los Angeles, CA 2021  
Subject Matter: Drug Facilitated Crimes

Pursuant to Fed. R. Crim. P. 16(a)(1)(G)(v), I approve the foregoing disclosure.

A handwritten signature in cursive script, appearing to read "Cynthia L. Morris-Kukoski", written over a horizontal line.

Dr. Cynthia L. Morris-Kukoski  
Forensic Examiner  
Chemistry/Toxicology  
Federal Bureau of Investigation  
Quantico, Virginia

The United States hereby requests reciprocal expert disclosure from the defense, pursuant to Fed. R. Crim. P. 16(b)(1)(C).

Respectfully submitted,

REBECCA C. LUTZKO  
United States Attorney

By: /s/ Michelle M. Baeppler  
Michelle M. Baeppler (0065378)  
Assistant U.S. Attorney  
United States Court House  
801 West Superior Avenue, Suite 400  
Cleveland, Ohio 44113-1852  
(216) 622-3995  
Michelle.Baeppler@usdoj.gov

By: /s/ Alissa M. Sterling  
Alissa M. Sterling (0070056)  
Assistant U.S. Attorney  
Four SeaGate, Suite 308  
Toledo, Ohio 43604  
(419) 259-6376  
Alissa.Sterling@usdoj.gov